



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LXIII] MONDAY, SEPTEMBER 19, 2022 / BHADRA 28, 1944

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules: -

THE GUJARAT ELECTRICITY INDUSTRY (REORGANISATION AND REGULATION) (AMENDMENT) BILL, 2022.

GUJARAT BILL NO. 12 OF 2022.

A BILL

*further to amend the Gujarat Electricity Industry
Reorganisation and Regulation) Act, 2003.*

It is hereby enacted in the Seventy-third Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Electricity Industry (Reorganisation and Regulation) (Amendment) Act, 2022.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

**Short
title and
commencement.**

Amendment of section 17 of Guj. 24 of 2003. 2. In the Gujarat Electricity Industry (Reorganisation and Regulation) Act, 2003 (hereinafter referred to as “the principal Act”), in section 17, - **Guj. 24 of 2003.**

(i) in clause (q), the word “and” occurring at the end shall be deleted;

(ii) after clause (q), the following clause shall be inserted, namely:-

“(qa) to classify, by regulations, the acts of non-compliance with any order, direction or requisition lawfully made or given under any provision of this Act or rules or regulations made thereunder into low, moderate or high categories; and”.

Amendment of section 54 of Guj. 24 of 2003. 3. In the principal Act, to section 54, the following proviso shall be added, namely:-
“Provided that the imposition of imprisonment under this provision shall not apply to acts classified by the Commission into low or moderate category.”.

Amendment of section 65 of Guj. 24 of 2003. 4. In the principal Act, in section 65, in sub-section (2), after clause (d), the following clause shall be inserted, namely:-

“(da) to classify the acts of non-compliance with any order, direction or requisition lawfully made or given under any provision of this Act or rules or regulations made thereunder into low, moderate or high-categories;”.

STATEMENT OF OBJECTS AND REASONS

Section 17 of the Gujarat Electricity Industry (Reorganisation and Regulation) Act, 2003 read with section 18, 32 and 42 of the said Act empowers the State Commission to discharge certain functions and have powers to determine tariff etc. of the electricity.

Section 54 of the said Act, on the other hand, provides that where a licensee or any other person fails without reasonable excuse, to comply with any order, direction or requisition lawfully made or given under any provision of this Act or any rule or regulation made thereunder, he shall on conviction be punishable with imprisonment which may extend to three months or with fine not exceeding two lakh rupees or with both and in the case of a continuing offence with an additional fine not exceeding ten thousand rupees for every day after the first, during which the offence continues. The said penalty provision therefore, ensures due compliance of the directions, orders or requisitions lawfully made under the said Act or any rule or regulation made thereunder.

It was however, under consideration of the Government that as a means of Ease of doing Business initiative in electricity industry, some of the acts of non-compliance of the said directions, orders or requisition etc. may be de-criminalised and only grave or serious cases of non-compliances may be made subject to punishment of imprisonment so as to achieve deterrence against non-compliances.

It is therefore, proposed to insert clause (qa) in section 17 for empowering the Commission, to classify the acts of non-compliances into low, moderate or high category as well as to amend section 54 of the said Act to include a proviso to give effect to the said empowerment of the Commission.

This Bill seeks to amend the Gujarat Electricity Industry (Reorganisation and Regulation) Act, 2003 with a view to reducing compliance burden to the industry and

consumers with a progressive action towards Ease of doing Business. Consequential amendment has also been proposed in section 65 of the Act.

This Bill seeks to achieve the aforesaid objects.

KANUBHAI DESAI,

MEMORENDUM REGARDING DELEGATED LEGISLATION

This Bill involves the delegation of legislative powers in the following respects:-

Clause 1.- Sub-clause (2) of this clause empowers the State Government, by notification in the *Official Gazette*, to appoint the date on which the said Act shall come into force.

Clause 2.- New clause (qa) in section 17 proposed to be inserted by this clause empowers the Gujarat Electricity Regulatory Commission to classify, by regulations, the acts of non-compliance with any order, direction or requisition lawfully made or given under any provision of the Gujarat Electricity Industry (Reorganisation and Regulation) Act, 2003 or rules or regulations made thereunder into low, moderate or high categories.

The delegation of legislative powers, as aforesaid, is necessary and is in normal character.

Dated the 18th September, 2022

KANUBHAI DESAI.

By order and in the name of the Governor of Gujarat,

K. M. LALA,

Gandhinagar,
Dated the 19th September, 2022.

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

